IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.Rev.Pet.No. 956 of 2000()

CRA.164/1997 of SESSIONS COURT, KASARAGOD
CC.660/1996 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDURG

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REVN. PETITIONER:

POOVATHADY KUNHIRAMAN,
S/O.AMBADY,
MADIKAI,
AMBALATHARA VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.M.THAMBAN
SRI.K.RAJEEVAN
SRI.DILIP MOHAN
SMT.T.SUDHAMANI

RESPONDENTS:

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1. CIRCLE INSPECTOR OF EXCISE,
HOSDURG.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.5122/2000 IN CRL.R.P.NO.956/2000

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

23/11/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

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Crl. R.P.No.956 of 2000-C

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Dated this the 23rd day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.660/1996 who stands convicted for the offence under Section 58 of the Abkari Act and sentenced to undergo rigorous imprisonment for three months and to pay a fine of Rs.15,000/- and in default to undergo rigorous imprisonment for three months on the allegation that he was found in possession of five litres of illicit arrack.

2. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that more than 10 years have elapsed since the commencement of the proceedings and so far the revision petitioner was facing the prosecution and further proceedings. It is submitted that the sole means of livelihood of his family is his earnings. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of rupees fifteen thousand and in default to undergo simple imprisonment for three months. The revision petitioner is granted three months time to remit the compensation amount. He shall appear before the Judicial

Magistrate of the First Class-I, Hosdurg, on 22/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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